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OCT 30 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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OCT 30 1992

MAIL BRANCH

KILGORE BROADCAST MAINTENANCE  
P. O. Box 777  
Grove Hill, AL 36451  
(205) 275-8839

October 28, 1992

FEDERAL COMMUNICATIONS COMMISSION  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

RM-8119

RE: Petition for Rule Making

Gentlemen:

Enclosed is an original and four copies of a Petition for Rule Making that we wish to file for Curry Communications, Inc. Curry desires to provide first service to Repton, Alabama with local programming not available in the community. A favorable action on this petition will provide the means for them to do this.

Please have your office forward this to:

Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Additionally, there is a copy marked "time stamped". It is attached to a self addressed, pre-stamped envelope. Please have your office date stamp this copy and return to the petitioner for his files.

Thank you for your assistance.

Sincerely;



KILGORE BROADCAST MAINTENANCE  
Alan F. Kilgore, Owner, Consultant

No. of Copies rec'd  
List A B C D E

0 + 4

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED  
OCT 30 1992  
MAIL BRANCH

In the Matter of )  
 ) MM Docket No. 8119  
Petition for Rule Making )  
Amendment of Section 73.202(b), ) RM No. \_\_\_\_\_  
FM Broadcast Stations, )  
(Repton, Alabama) )

RECEIVED

OCT 30 1992

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Curry Communications, Inc., an Alabama corporation organized for the purpose of operating an FM Broadcast station, by its Consultant, petitions the Commission for a Rule Making that would allow it to make application for a Construction permit to build new facilities for Repton, Alabama.

BACKGROUND

Repton, Alabama is not served as City of License by any Broadcast media, making this a request for first service in the community. Petitioner is principally owned by local minorities (Black) desiring to provide Black oriented local programming not currently available for the community and surrounding area.

### THE REQUEST

Now Curry Communications, Inc. petitions the Commission to add channel 266A at Repton, Alabama to the Table of FM Allotments within Part 73.202(b).

### EXPRESSION OF INTEREST

Petitioner hereby certifies that it desires to make application for a Construction Permit as quickly as allowed. This will become a possibility if the Commission acts favorably on this instant request for the allocation of channel 266A at Repton, Alabama. If the request is granted, Petitioner will move expeditiously to file a form 301 for a new station and furthermore will immediately construct, daily operate and locally program such a Class A facility upon the Commission's grant of a Construction Permit.

### CONCLUSION

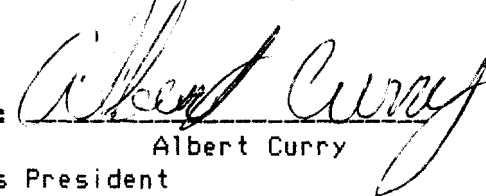
Engineering prepared for the petitioner determined that the requested facility would not cause interference to any stations, allocations, permits or any requested facilities known at the time of this filing. This request is not mutually exclusive with any requests, that we are aware of, before the Commission.

It is therefore concluded that since the requested allocation

would cause no interference and would provide first service to a new community with programming not currently available, it would be in the public's interest for the Commission to amend 73.202(b) Table of FM Allocations to include Repton, Alabama channel 266A and create a window for applications per the Commission's rules and policies.

Respectfully submitted,  
CURRY COMMUNICATIONS, INC.

BY:

  
Albert Curry

Its President

Date:

10-27-92

Albert Curry, President  
Curry Communications, Inc.  
107 Pickens Street  
Monroeville, AL 36460  
(205)575-7138

**ENGINEERING STATEMENT**  
In Support of a  
**Petition for Rule Making**  
Curry Communications, Inc.  
Repton, Alabama  
Adding Channel 266A

This engineering statement and the supporting exhibits are submitted in verification of a proposed rule making request. The request is being made on behalf of Curry Communications, Inc.

An FM spacing constraints study (Exhibit A), specifying 3 kw ERP at 100 meters EAH (Exhibit B) for the petitioned station shows no short spacings.

Concerning site selection if the Commission acts favorably on this petition, there are close spacings to Channel 264C Pensacola, Florida (WJLQ), Channel 265C2 Selma, Alabama (WALX) and Channel 267C Meridian, Mississippi (WJDQ) per 73.207. A Contour Protection Study (Exhibit C) indicates there was only one close spacing (Channel 264C at Pensacola, FL) per 73.215 contour protection rules.

**CHANNEL 264C AT PENSACOLA, FL**

Channel 264C at Pensacola, Florida (FCC File BMLH-880322KA) is currently licensed and the allocation reference point is the same as that of that operating facility. It is close spaced by 0.3 km per 73.207 (Exhibit A).

Concerning site restrictions if the Commission allocates the petitioned channel: using contour protection rule 73.215 improves the close spacing to 3.2 km clearance (Exhibit C) using a non-directional

antenna, 3 kilowatts ERP and 100 meters EAH. This is adequate for a 266A to locate anywhere within the entire community without violating the Commission's spacing constraints.

CHANNEL 265C2 AT SELMA, AL

Channel 265C2 at Selma, Alabama (FCC File BLH-890324KC) is currently licensed. The channel allocation reference point is different than that of the licensed facility. The operating facility is close spaced by 4.8 km per 73.215 (Exhibit A).

Concerning site restrictions if the Commission allocates the petitioned channel: using contour protection rules per 73.215 provides 12.8 km clearance (Exhibit C) using a non-directional antenna, 3 kilowatts ERP and 100 meters EAH. This eliminates the close spacing and is adequate for a 266A to locate anywhere within the entire community without violating the Commission's separation constraints.

CHANNEL 267C AT MERIDIAN, MS

Channel 267C at Meridian, Mississippi is allocated and uses the currently operating 267C1 coordinates for the 267C allocation reference point (FCC File BLH6336). This 267C allocation is close spaced by 5.0 km per 73.215 (Exhibit A).

Concerning site restrictions if the Commission allocates the petitioned channel: using contour protection rules per 73.207 provides 11.3 km clearance (Exhibit C) using a non-directional antenna, 3 kilo-

watts ERP and 100 meters EAH. This eliminates the close spacing and is adequate for a 266A to locate anywhere within the community without violating Commission's separation constraints.

Additionally, the construction permit for Channel 267C before the Commission by WJDQ (FCC File BPH-890609JF) indicates different coordinates than that of the Channel 267C allocation reference points. The site chosen by WJLQ is clear by 37.2 kilometers (Exhibit A).

#### CONCLUSION

Curry Communications, Inc., in the instant petition, requests that the Commission add channel 266A at Repton, Alabama to the FM Table of Allocations.

The instant petition is not mutually exclusive with anything before the Commission to our knowledge. Furthermore, it does not cause a short spacing environment. A 3 kW ERP 100 meter EAH Class A facility can be located anywhere within the community without causing a short spaced situation.

#### CERTIFICATION

I, Alan F. Kilgore, hereby certify the following: that I am an independent broadcast consultant. I hold an FCC Lifetime General Operator's License PG-6-18888. I am familiar with the Commission's rules and regulations. All information in this engineering statement was prepared by me or under my direct supervision.

The statement was based on the data available from the Commission

and believed to be accurate on this date. However, such data is subject to change without notice and, therefore, I, Alan F. Kilgore, will accept no responsibility as to the complete accuracy of this statement, although I believe it to be true and correct.

signed   
Alan F. Kilgore, Consultant

THIS 28<sup>th</sup> DAY OF OCTOBER, 1992

KILGORE BROADCAST MAINTENANCE  
P. O. BOX 777  
GROVE HILL, AL 36451  
(205) 275-8839



CURRY COMMUNICATIONS, INC.  
EXHIBITS LISTING

EXHIBIT NUMBER	EXHIBIT CONTENTS	NUMBER OF PAGES
EXHIBIT A.	Spacing Constraints per 73.207	2
EXHIBIT B.	Reference Location and town Corporate Limits	1
EXHIBIT C.	Contour Protection Constraints per 73.215	1
EXHIBIT D.	Predicted Protected Contour	2
EXHIBIT E.	Predicted 70 dBu Contour	2

CURRY COMMUNICATIONS, INC.  
EXHIBIT A.

KILGORE BROADCAST MAINTENANCE

Page No. 1

FILE NAME: Rep266A.D04      Proposed New Allocation      3.000kW A 100mEAH  
FCC DATABASE: 920930      Repton, AL      LATITUDE: 31-24-40  
DATE: 10-22-1992      CH 266A Cleared by 50 KM      LONGITUDE: 87-14-20

CALL	CITY OF LICENSE	CHAN	ERP-KW	LATITUDE	AZIM	DIST-km	CLEARED
AUTH	FCC FILE	UPDATED	FREQ	EAH-m	LONGITUDE	FROM	REQ-km BY km
OWNER			AMSL-m	DOCKET#			

WJLQ	Pensacola, FL	264C	100.000	30-37-35	204.1	95.3	CLOSE
LIC	BMLH-880322KA	09/16/88	100.7	474	87-38-50	24.1	95.0 0.3
Norman S. Drubner			508				

	Pensacola, FL	264C	0.000	30-37-35	204.1	95.3	CLOSE
USED		12/01/90	100.7	0	87-38-50	24.1	95.0 0.3
			0				

Coordinates updated from LIC record BMLH880322KA

	Selma, AL	265C2	0.000	32-23-23	10.5	110.3	CLOSE
USED		02/21/89	100.9	0	87-01-36	190.5	106.0 4.3
			0	87-437			

Site Restricted-Effective 8-15-88-Rsvd for WALX Per D87-437

WALX	Selma, AL	265C2	50.000	32-21-40	18.1	110.8	CLOSE
LIC	BLH-890324KC	02/09/90	100.9	150	86-52-28	198.1	106.0 4.8
Alexander Broadcasting Company, Inc.			202				

	Elba, AL	266A	0.000	31-24-41	90.0	121.7	CLEAR
USED		12/01/90	101.1	0	85-57-32	270.0	115.0 6.7
			0				

Coordinates updated from LIC record BLH861010KA

WZTZ	Elba, AL	266A	0.640	31-24-41	90.0	121.7	CLEAR
LIC	BLH-861010KA	12/02/87	101.1	208	85-57-32	270.0	115.0 6.7
Elba Radio Company			305				

WJDQ	Meridian, MS	267C1	99.000	32-18-43	306.0	170.0	CLEAR
LIC	BLH-6336	09/27/91	101.3	177	88-41-33	126.0	133.0 37.0
Broadcasters & Publishers, Inc.			301				
*To Channel 267C							

	Meridian, MS	267C	0.000	32-18-43	306.0	170.0	CLOSE
USED		12/01/90	101.3	0	88-41-33	126.0	165.0 5.0
			0				

Coordinates updated from LIC record BLH6336

WJDQ	Meridian, MS	267C1	99.000	32-18-43	306.0	170.0	CLEAR
APP	BMLH-900116KD	09/27/91	101.3	177	88-41-33	126.0	133.0 37.0
Broadcasters & Publishers, Inc.			301				
*To Channel 267C							

\*10 Channel 267C

CURRY COMMUNICATIONS, INC.  
EXHIBIT A.

KILGORE BROADCAST MAINTENANCE

Page No. 2

FILE NAME: Rep266A.D04      Proposed New Allocation      3.000KW A 100mEAH  
FCC DATABASE: 920930      Repton, AL      LATITUDE: 31-24-40  
DATE: 10-22-1992      CH 266A      Cleared by 50 KM      LONGITUDE: 87-14-20

CALL	CITY OF LICENSE	CHAN	ERP-kW	LATITUDE	AZIM	DIST-km	CLEARED
AUTH	FCC FILE	UPDATED	FREQ	EAH-m	LONGITUDE	FROM	REQ-km BY km
OWNER			AMSL-m	DOCKET#			

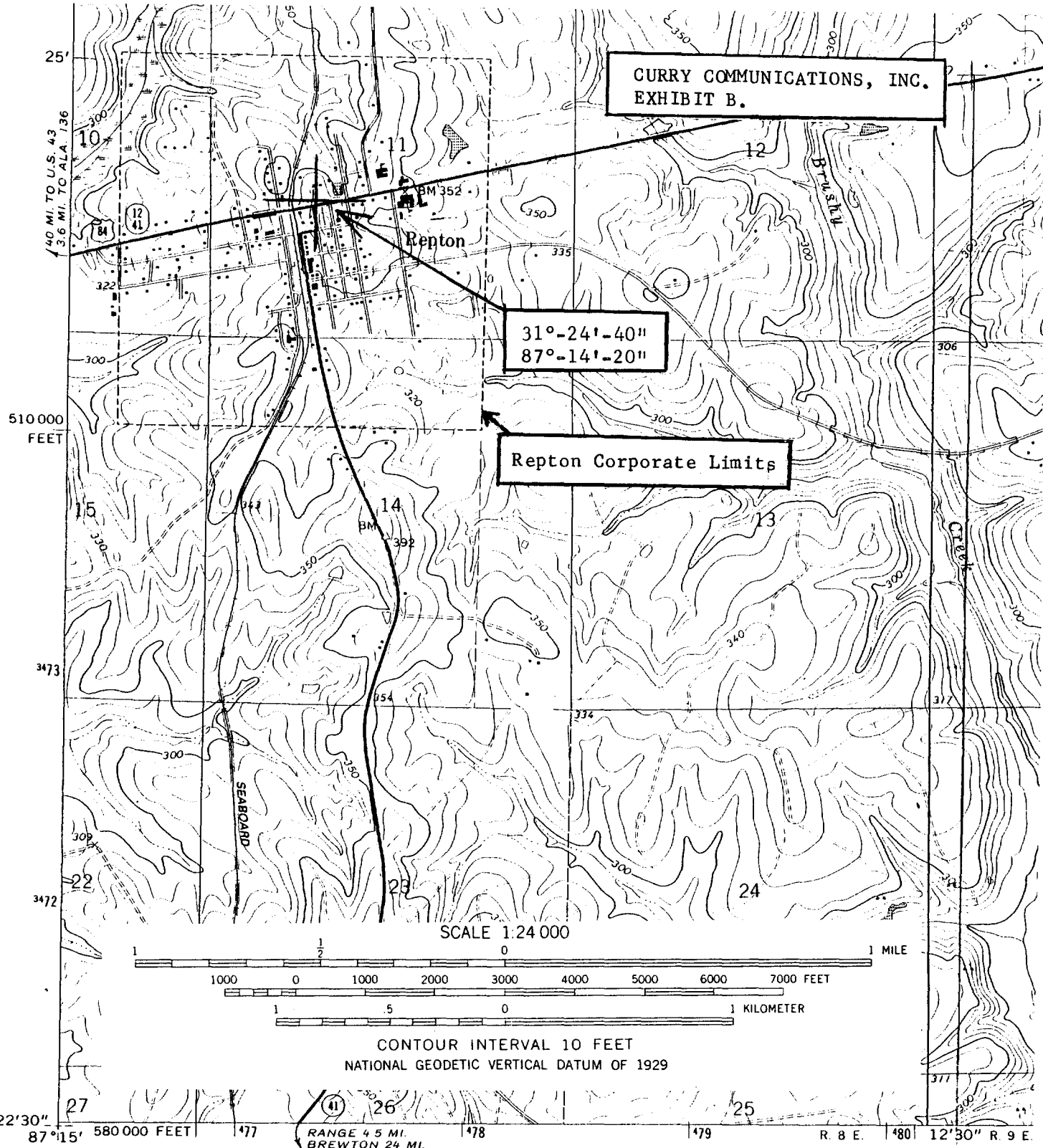
WJDQ	Meridian, MS	267C	86.000	32-34-18	309.5	202.2	CLEAR
CP	BPH-890609JF	02/10/92	101.5	88-53-20	129.5	165.0	37.2
Broadcasters & Publishers, Inc.			453				
From Channel 267C1							

WTKXFM	Pensacola, FL	268C1	100.000	30-37-29	170.5	88.4	CLEAR
LIC	BLH-4019	12/22/89	101.5	87-05-08	350.5	75.0	13.4
Holt Communications Corporation			148				

WTKXFM	Pensacola, FL	268C1	100.000	30-37-29	170.5	88.4	CLEAR
CP MOD	BMPH-880623IC	02/05/92	101.5	87-05-08	350.5	75.0	13.4
Holt Communications Corporation			216				

	Pensacola, FL	268C1	0.000	30-37-29	170.5	88.4	CLEAR
USED		12/01/90	101.5	87-05-08	350.5	75.0	13.4
			0				
Coordinates updated from LIC record			BLH4019				

\*\*\*\* END OF STUDY \*\*\*\*



(FRISCO CITY SE)  
3546 IV SE

Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1971

Projection and 10,000-foot grid ticks: Alabama coordinate system, west zone (transverse Mercator)

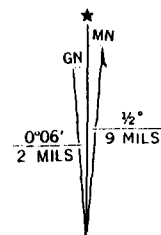
1000-meter Universal Transverse Mercator grid ticks, zone 16, shown in blue

1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 15 meters south and 2 meters west as shown by dashed corner ticks

Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unchecked

Revisions shown in purple and woodland compiled from aerial photographs taken 1984 and other sources. This information not field checked. Map edited 1986



UTM GRID AND 1986 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET

CURRY COMMUNICATIONS, INC.  
EXHIBIT C.

KILGORE BROADCAST MAINTENANCE

Page No. 1

FILE NAME: Rep266A.DOC  
FCC DATABASE: 920930  
DATE: 10-22-1992

Contour Protection  
Repton, AL  
CH 266A Cleared by 50 KM

197mAMSL  
3.000kW A 100mEAH  
LATITUDE: 31-24-40  
LONGITUDE: 87-14-20

CALL	CITY OF LICENSE	CHAN	ERP-KW	LATITUDE	AZIM	DIST-km	CLEARED
AUTH	FCC FILE	UPDATED	FREQ	EAH-m	LONGITUDE	FROM	REQ-km
OWNER				AMSL-m	DOCKET#		BY km

WJLQ	Pensacola, FL	264C	100.000	30-37-35	204.1	95.3	CLOSE
LIC	BMLH-880322KA	09/16/88	100.7	474	87-38-50	24.1	92.1 3.2
Norman S. Drubner			508				

20.1 KM SRCH 60dBu +	43.8 KM DBAS 80dBu = TTL	68.9 KM
84.5 KM DBAS 60dBu +	7.6 KM SRCH 80dBu = TTL	92.1 KM

USED	Pensacola, FL	264C	0.000	30-37-35	204.1	95.3	CLOSE
		12/01/90	100.7	0	87-38-50	24.1	92.1 3.2
			0				

Coordinates updated from LIC record BMLH880322KA

20.1 KM SRCH 60dBu +	43.8 KM DBAS 80dBu = TTL	68.9 KM
84.5 KM DBAS 60dBu +	7.6 KM SRCH 80dBu = TTL	92.1 KM

USED	Selma, AL	265C2	0.000	32-23-23	10.5	110.3	CLEAR
		02/21/89	100.9	0	87-01-36	190.5	98.4 11.9
			0	87-437			

Site Restricted-Effective 8-15-88-Rsvd for WALX Per D87-437

23.8 KM SRCH 60dBu +	74.6 KM DBAS 54dBu = TTL	98.4 KM
48.9 KM DBAS 60dBu +	34.6 KM SRCH 54dBu = TTL	83.5 KM

WALX	Selma, AL	265C2	50.000	32-21-40	18.1	110.8	CLEAR
LIC	BLH-890324KC	02/09/90	100.9	150	86-52-28	198.1	98.0 12.8
Alexander Broadcasting Company, Inc.			202				

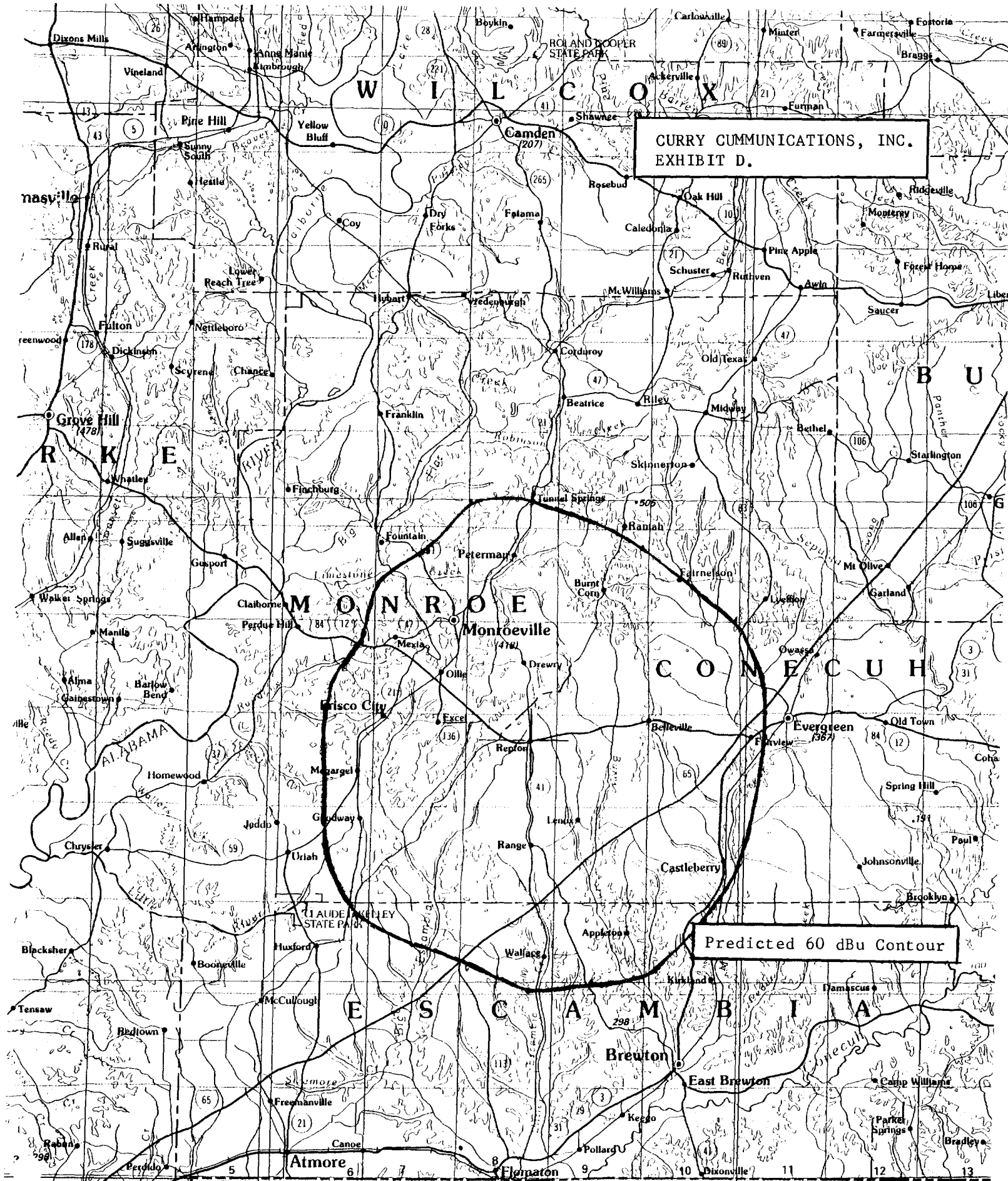
23.0 KM SRCH 60dBu +	75.8 KM DBAS 54dBu = TTL	98.0 KM
49.2 KM DBAS 60dBu +	33.0 KM SRCH 54dBu = TTL	82.2 KM

USED	Meridian, MS	267C	0.000	32-18-43	306.0	170.0	CLEAR
		12/01/90	101.3	0	88-41-33	126.0	157.8 12.2
			0				

Coordinates updated from LIC record BLH6336

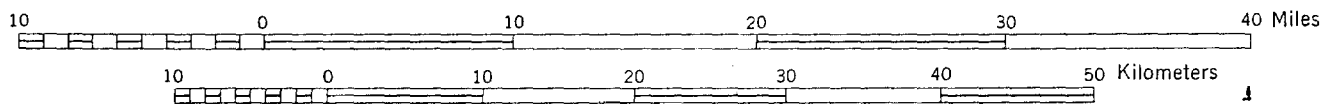
21.5 KM SRCH 60dBu +	136.3 KM DBAS 54dBu = TTL	157.8 KM
91.6 KM DBAS 60dBu +	31.1 KM SRCH 54dBu = TTL	122.7 KM

\*\*\*\* END OF STUDY \*\*\*\*



Scale 1:500 000

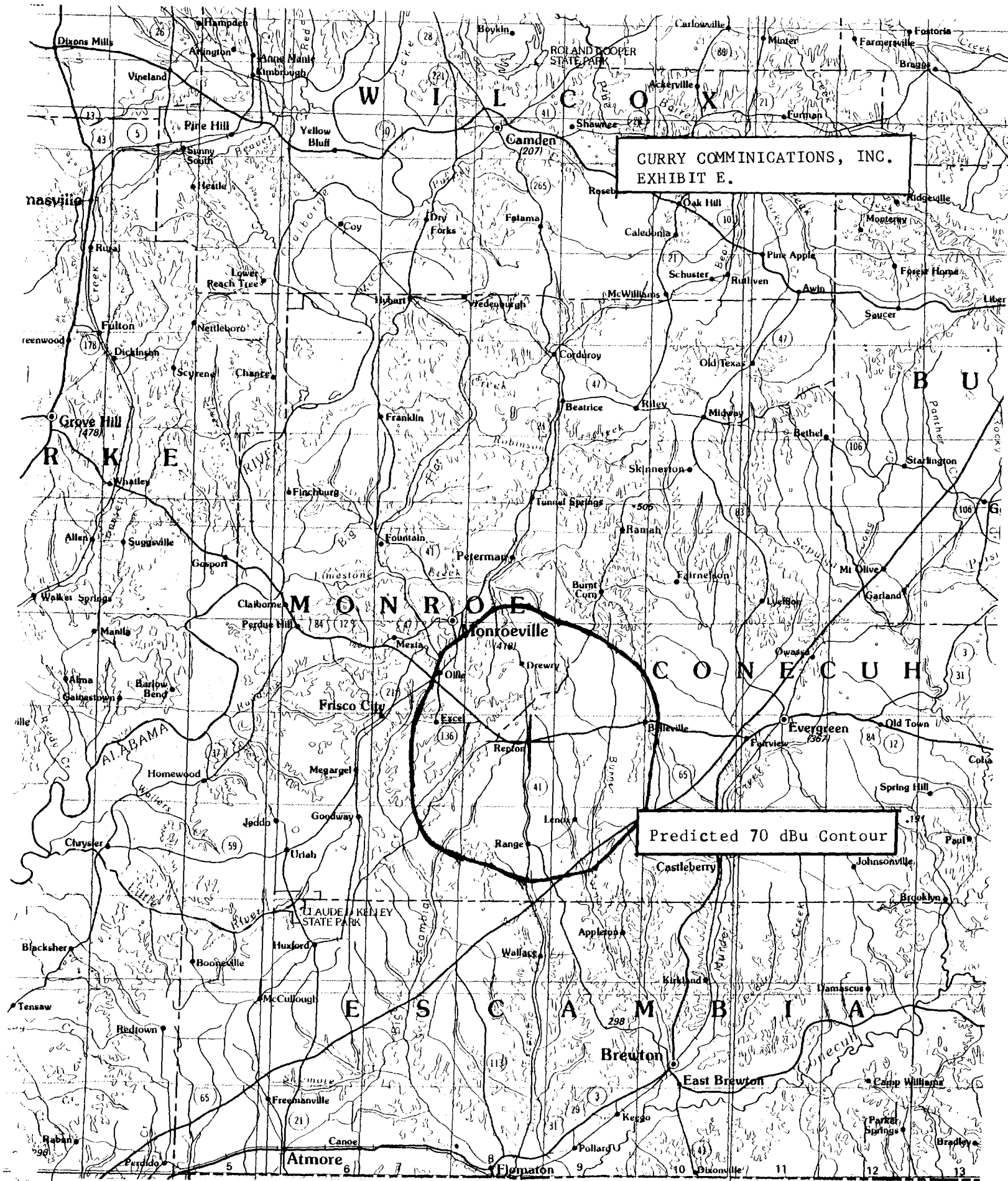
1 inch on the map represents approximately 8 miles on the ground



CURRY COMMUNICATIONS, INC.  
EXHIBIT D.

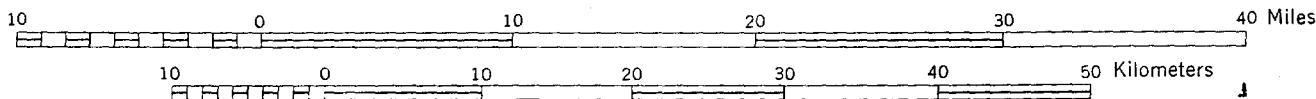
PREDICTED PROTECTED (60 DBU) CONTOUR

AZIMUTH DEGREES	AUG TERRAIN AMSL	EFFECTIVE ANTENNA HEIGHT	CONTOUR	DISTANCE TO CONTOUR
0	94.2 m.	102.7 m.	60 dBu F(50,50)	24.9 km. ( 15.5 mi).
15	106.8 m.	90.1 m.	60 dBu F(50,50)	23.4 km. ( 14.5 mi).
30	109.3 m.	87.6 m.	60 dBu F(50,50)	23.0 km. ( 14.3 mi).
45	98.6 m.	98.3 m.	60 dBu F(50,50)	24.4 km. ( 15.2 mi).
60	94.9 m.	102.0 m.	60 dBu F(50,50)	24.9 km. ( 15.4 mi).
75	90.7 m.	106.2 m.	60 dBu F(50,50)	25.4 km. ( 15.8 mi).
90	96.3 m.	100.6 m.	60 dBu F(50,50)	24.7 km. ( 15.3 mi).
105	97.5 m.	99.4 m.	60 dBu F(50,50)	24.5 km. ( 15.2 mi).
120	88.7 m.	108.2 m.	60 dBu F(50,50)	25.6 km. ( 15.9 mi).
135	85.5 m.	111.4 m.	60 dBu F(50,50)	26.1 km. ( 16.2 mi).
150	76.1 m.	120.8 m.	60 dBu F(50,50)	27.2 km. ( 16.9 mi).
165	83.3 m.	113.6 m.	60 dBu F(50,50)	26.3 km. ( 16.4 mi).
180	83.9 m.	113.0 m.	60 dBu F(50,50)	26.3 km. ( 16.3 mi).
195	100.3 m.	96.6 m.	60 dBu F(50,50)	24.2 km. ( 15.0 mi).
210	96.4 m.	100.5 m.	60 dBu F(50,50)	24.7 km. ( 15.3 mi).
225	87.8 m.	109.1 m.	60 dBu F(50,50)	25.8 km. ( 16.0 mi).
240	99.9 m.	97.0 m.	60 dBu F(50,50)	24.2 km. ( 15.1 mi).
255	116.0 m.	80.9 m.	60 dBu F(50,50)	22.2 km. ( 13.8 mi).
270	119.1 m.	77.8 m.	60 dBu F(50,50)	21.8 km. ( 13.5 mi).
285	120.6 m.	76.3 m.	60 dBu F(50,50)	21.6 km. ( 13.4 mi).
300	128.1 m.	68.8 m.	60 dBu F(50,50)	20.6 km. ( 12.8 mi).
315	109.9 m.	87.0 m.	60 dBu F(50,50)	23.0 km. ( 14.3 mi).
330	112.1 m.	84.8 m.	60 dBu F(50,50)	22.7 km. ( 14.1 mi).
345	87.9 m.	109.0 m.	60 dBu F(50,50)	25.8 km. ( 16.0 mi).



Scale 1:500 000

1 inch on the map represents approximately 8 miles on the ground





CURRY COMMUNICATIONS, INC.  
EXHIBIT E.

PREDICTED CITYGRADE (70 DBU) CONTOUR

AZIMUTH DEGREES	AVG TERRAIN AMSL	EFFECTIVE ANTENNA HEIGHT	CONTOUR	DISTANCE TO CONTOUR
0	94.2 m.	102.7 m.	70 dBu F(50,50)	14.0 km. ( 8.7 mi).
15	106.8 m.	90.1 m.	70 dBu F(50,50)	13.2 km. ( 8.2 mi).
30	109.3 m.	87.6 m.	70 dBu F(50,50)	13.0 km. ( 8.1 mi).
45	98.6 m.	98.3 m.	70 dBu F(50,50)	13.7 km. ( 8.5 mi).
60	94.9 m.	102.0 m.	70 dBu F(50,50)	14.0 km. ( 8.7 mi).
75	90.7 m.	106.2 m.	70 dBu F(50,50)	14.2 km. ( 8.8 mi).
90	96.3 m.	100.6 m.	70 dBu F(50,50)	13.9 km. ( 8.6 mi).
105	97.5 m.	99.4 m.	70 dBu F(50,50)	13.8 km. ( 8.6 mi).
120	88.7 m.	108.2 m.	70 dBu F(50,50)	14.4 km. ( 8.9 mi).
135	85.5 m.	111.4 m.	70 dBu F(50,50)	14.6 km. ( 9.1 mi).
150	76.1 m.	120.8 m.	70 dBu F(50,50)	15.2 km. ( 9.4 mi).
165	83.3 m.	113.6 m.	70 dBu F(50,50)	14.7 km. ( 9.1 mi).
180	83.9 m.	113.0 m.	70 dBu F(50,50)	14.7 km. ( 9.1 mi).
195	100.3 m.	96.6 m.	70 dBu F(50,50)	13.6 km. ( 8.4 mi).
210	96.4 m.	100.5 m.	70 dBu F(50,50)	13.9 km. ( 8.6 mi).
225	87.8 m.	109.1 m.	70 dBu F(50,50)	14.4 km. ( 9.0 mi).
240	99.9 m.	97.0 m.	70 dBu F(50,50)	13.6 km. ( 8.5 mi).
255	116.0 m.	80.9 m.	70 dBu F(50,50)	12.6 km. ( 7.8 mi).
270	119.1 m.	77.8 m.	70 dBu F(50,50)	12.4 km. ( 7.7 mi).
285	120.6 m.	76.3 m.	70 dBu F(50,50)	12.3 km. ( 7.6 mi).
300	128.1 m.	68.8 m.	70 dBu F(50,50)	11.8 km. ( 7.3 mi).
315	109.9 m.	87.0 m.	70 dBu F(50,50)	13.0 km. ( 8.1 mi).
330	112.1 m.	84.8 m.	70 dBu F(50,50)	12.8 km. ( 8.0 mi).
345	87.9 m.	109.0 m.	70 dBu F(50,50)	14.4 km. ( 9.0 mi).